

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

IN RE: § CHAPTER 11  
§  
DARYL GREG SMITH and, § CASE NO. 21-60162-RBK-11  
CANADIAN RIVER RANCH, LLC § CASE NO. 21-60163-RBK-11  
§ Jointly Administered Under  
§ Case No. 21-60162-rbk  
Debtors. §

**MOTION OF GREGORY S. MILLIGAN, CHAPTER 11 TRUSTEE,  
SEEKING APPROVAL OF RELEASE OF LIS PENDENS**

TO THE HONORABLE RONALD B. KING,  
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Gregory S. Milligan (the “**Trustee**”), chapter 11 trustee in the above-captioned bankruptcy cases, and files this *Motion Seeking Approval of Release of Lis Pendens* (the “**Motion**”) and would respectfully show as follows.

**RELIEF REQUESTED**

1. The Trustee seeks entry of an order approving the Trustee’s entry into, and filing of, the Releases of Lis Pendens (the “**Releases**”) concerning the lis pendens filed by Caddoa Creek Ranch, LLC (“**Caddoa**”) (the “**Caddoa Lis Pendens**”), Daryl Smith (“**Smith**”) and Darren Keith Reed (“**Reed**”) on the two parcels of real property located in Bosque County, Texas (the “**Smith Lis Pendens**”)¹ – (i) approximately 1,200 acres that is the subject of the Solar Lease (the “**Solar Tract**”), and (ii) approximately 913 acres of unimproved Properties that is currently being marketed for sale by prior order of this Court (the “**913 Acre Tract**”, along with the Solar Tract, collectively, the “**Properties**”). The Properties are owned 90% by Smith (and such 90% interest is controlled by the Trustee) and 10% by Reed.

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¹ The Caddoa Lis Pendens and the Smith Lis Pendens are collectively referred to as the “**Lis Pendens**”

2. The Trustee was informed of the existence of the Lis Pendens by the Thomas Title Company (the “**Title Company**”). The Title Company has specifically requested that the Trustee have the Lis Pendens removed. Reed, the remaining 10% interest holder, and signatory on the Smith Lis Pendens, consents to the relief sought by the Trustee and has agreed to sign the Release related to the Smith Lis Pendens. The Trustee submits that the signing and filing of the Releases is within his authority as chapter 11 trustee for Smith<sup>2</sup> and as manager for Caddoa, and well within his sound business judgment as it removes a cloud on the title of the Properties. The Lis Pendens have created a cloud on title that if not cleared would (a) violate the solar lease regarding the Solar Tract, and (b) be an impediment to closing a sale of the 913 Acre Tract. Further, the Lis Pendens – because they were filed before the entry of the Solar Order and the recording of the special warranty deed authorized by this Court – has resulted in the Properties still showing as titled in the name of Stanley Wright, Receiver, thus frustrating the purpose of the Solar Order. Additionally, the Court can authorize the Releases pursuant to the express terms of the Solar Order, which it expressly retained authority and jurisdiction to enforce. Accordingly, the Trustee requests the Court enter an order authorizing him to sign and file the Releases in the real property records.

#### **JURISDICTION AND VENUE**

3. This Court has jurisdiction to hear and determine this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are sections 105(a) and 363 of title 11 of the United States Code (the “**Bankruptcy Code**”).

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<sup>2</sup> Because the Smith Lis Pendens arises from an underlying action commenced by Smith in state court that has been removed this Court (now pending under Adversary No. 21 06013-rbk), the Trustee has contemporaneously herewith filed his Motion to Substitute Trustee as Real Party in Interest in such removed action.

5. The Trustee confirms his consent to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

### **BACKGROUND**

#### **A. Procedural Background**

6. Smith and Canadian River Ranch, LLC (“**CRR**” and together with Smith, the “**Debtors**”) each filed a voluntary petition for relief pursuant to chapter 11 of the Bankruptcy Code on April 9, 2021 (the “**Petition Date**”).

7. On May 18, 2021, the Court ordered that the Debtors’ cases (the “**Chapter 11 Cases**”) be jointly administered. *See* Dkt. No. 29, *Order Granting Debtors’ Motion for Joint Administration*.

8. On June 29, 2021, the United States Trustee requested appointment of the Trustee in this matter, and the Court approved such appointment. *See* Dkt. No. 91, *Order Approving Appointment of Gregory S. Milligan as Chapter 11 Trustee*.

#### **B. The Properties**

##### **(i) The Solar Tract**

9. The Solar Tract consists of approximately 1,200 acres in Bosque County, Texas and was the subject of the *Emergency Motion for Order (I) Approving Assumption of Solar Lease; (II) Authorizing Entry into Lease Amendment; (III) Providing Protections for Lessee; and (IV) Authorizing the Chapter 11 Trustee to Execute Certain Documents Pursuant to FRCP 70, Made Applicable to this Proceeding Through FRBP 7070* (the “**Solar Motion**”). Dkt. No. 116. On July 15, 2021, this Court entered its *Order (I) Approving Assumption of Solar Lease; (II) Authorizing Entry into Lease Amendment; (III) Providing Protections for Lessee; and*

*(IV) Authorizing Chapter 11 Trustee to Execute Certain Documents Pursuant to Federal Rule of Civil Procedure 70* (the “**Solar Order**”). Dkt. No. 128.

10. Pursuant to the Solar Order, this Court authorized the assumption of the Lease (as defined in the Solar Order). As noted in the *Trustee’s Response to Debtor’s Objection to Trustee’s Application to Retain Broker*, it is anticipated that the tenant will commence construction on the Solar Tract in September 2022 at which time rent payments will commence. Dkt. No. 275, ¶ 4 (the Lease “is now not expected to generate potential lease payments until September 2022”). The Lease requires that there be no liens on the Solar Tract and that the Solar Tract be titled in the names of Smith and Reed. Because of the Smith Lis Pendens, the Special Warranty Deed authorized by the Solar Order (and recorded in the real property records) is not recognized in the chain of title. As a result, Stanley Wright, Receiver, is still listed at the record title owner. As a result, the Title Company has requested that the Lis Pendens be released and has approved the forms of the Releases.

**(ii) The 913 Acre Tract**

11. The 913 Acre Tract consists of approximately 913 acres located in Bosque County, Texas. Ownership of the Properties is shared by: (i) Smith, holding a 90% interest, and (ii) Reed, holding a 10% interest.

12. Pursuant to the *Order Approving Application to Approve Retention and Employment of Riley-Mclean Land, LLC as Real Estate Broker for the Trustee* [Dkt. 280], this Court authorized the Trustee to retain Riley-McLean Land, LLC as broker (the “**Broker**”) to market and sell the 913 Acre Tract. The Broker is currently in the process of marketing and receiving offers for the 913 Acre Tract.



**C. The Lis Pendens on the Properties**

13. In an effort to remove potential impediments and expedite the closing a sale of the 913 Acre Tract, the Trustee contacted the Title Company, and requested a title commitment (the “**Title Commitment**”). The Title Commitment revealed that the following lis pendens were on the Properties:

- Notice of Lis Pendens recorded as Instrument No. 2021-00132 in Bosque County on behalf of Caddoa on January 13, 2021, in connection with *Caddoa Creek Ranch, LLC v. Karen A. Smith and Stanley W. Wright in his capacity as foreign receiver*; Cause Number 2020CV030014 in the District Court of Bent County, Colorado<sup>3</sup>; and
- Notice of Lis Pendens recorded as Instrument No. 2020-02681 in Bosque County on behalf of Smith and Reed on August 10, 2020, in connection with *Smith v. Smith, et. al.*, Cause Number 02-20-00064 in the Second Court of Appeals for the State of Texas<sup>4</sup>.

14. On February 2, 2022, the Title Company emailed Trustee’s counsel and specifically requested that the Lis Pendens be released on the Properties. **Exhibit C**.

15. The Trustee therefore seeks entry of an order authorizing him to execute a release of the Smith Lis Pendens in the form attached hereto as **Exhibit D** and to execute a release of the Caddoa Lis Pendens in the form attached hereto as **Exhibit E**<sup>5</sup>.

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<sup>3</sup> A copy of the Caddoa Lis Pendens is attached as **Exhibit A**.

<sup>4</sup> A copy of the Smith Lis Pendens is attached as **Exhibit B**.

<sup>5</sup> Pursuant to this Court’s *Order Approving Second Amendment to Operating Agreement of Caddoa Creek Ranch, LLC* [Dkt. No. 240], this Court “retain[ed] jurisdiction to hear and determine all matters arising from or related to the implementation of this order.” The Manager submits that he has the authority to enter into the release of the Caddoa Lis Pendens pursuant to the Second Amendment as matter of applicable non-bankruptcy law. Nevertheless, the Manager has included this request (1) in deference to this Court’s retention of jurisdiction as noted in the order; and (2) to provide notice to all interested parties, although not required under the Second Amendment.

**BASIS FOR RELIEF**

**A. The Trustee is Authorized to Execute the Release Pursuant to Section 105, 363, and 1108 of the Bankruptcy Code**

16. By this Motion, the Trustee seeks an order affirming his authority to enter into the Releases pursuant to sections 105(a), 363, and 1108<sup>6</sup> of the Bankruptcy Code. Pursuant to section 363(b), the “trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.” 11 U.S.C. § 363(b). Courts in this district approve transactions under section 363(b) when the debtor or trustee articulates a business justification for the proposed transaction. *See In re ASARCO, L.L.C.*, 650 F.3d 593, 601 (5th Cir. 2011). This business judgment standard in section 363 is flexible and encourages the Court’s discretion in considering all the salient factors pertaining to the proceeding. *See id.*

17. Further, this Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the Bankruptcy Code. 11 U.S.C. § 105. Section 105(a) authorizes a bankruptcy court to fashion such orders as are necessary to further the substantive provisions of the Bankruptcy Code. *Matter of Oxford Mgmt., Inc.*, 4 F.3d 1329, 1333 (5th Cir. 1993).

18. Here, entry into the Releases is a sound exercise of the Trustee’s business judgment. First, the Trustee is the 90% owner of the Properties and does not wish to have the Lis Pendens burden the Properties while the Broker is marketing and receiving offers for the 913 Acre Tract, and Reed, as the 10% owner of the Properties, concurs. Second, entry into (and the filing of) the Releases enables the Trustee to clear an impediment to an efficient and timely closing of any sale of the 913 Acre Tract as well as avoiding being in default of the Solar Lease. Clearing these issues

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<sup>6</sup> Section 1108 of the Bankruptcy Code authorizes the Trustee to “operate the debtor’s business”. Accordingly, the Trustee has the authority to execute the Release.

up now extinguishes those concerns. Third, the Title Company has specifically requested that the Trustee remove the Lis Pendens. In the absence of their removal, the Lis Pendens create a cloud on the title of the Properties.

19. In essence, the execution of the Releases makes closing any potential sale of the 913 Acre Tract, which the Broker is actively marketing, more likely. A sale of the 913 Acre Tract would result in a significant and beneficial liquidity event for Smith's estate. Accordingly, in an effort to make such a liquidity event easier and more likely to occur, the Trustee submits that signing and filing the Releases is well within (1) his sound business judgment under section 363 of the Bankruptcy Code; (2) his authority as manager of Caddoa pursuant to this Court's Order Approving Second Amendment to Operating Agreement of Caddoa; and (3) his authority as chapter 11 trustee under section 1108 of the Bankruptcy Code, and should be approved by this Court.

**B. Alternatively, this Court Should Authorize the Trustee to Sign the Release Consistent with the Terms of the Solar Order**

20. Pursuant to Fed. R. Bankr. P. 7070, this Court entered the Solar Order authorizing the Trustee to execute certain documents relative to the Lease. The Solar Order provides that the Court "shall retain jurisdiction to the maximum extent possible to interpret and to enforce this Order." Solar Order, ¶ T. The Solar Order contemplates the Trustee being "authorized to execute and deliver such other documents as ... the Title Company may deem necessary to implement the transactions contemplated by the Lease Amendment." *Id.* at ¶ Q. The Solar Order further provides that the Trustee is authorized to execute documents necessary "for Angus' title company...to issue a title policy insuring Angus' leasehold interest." *Id.* at ¶ D.

21. The foregoing provisions arguably provide the Trustee with the necessary authority to execute and record the Release related to the Solar Tract; however, the Trustee is not certain if

the current tenant under the Lease will or will not be obtaining financing as contemplated by ¶ D of the Solar Order. Further, the Trustee believes the recording of the Releases is necessary to implement the Lease Amendment. Given that the Solar Lease has been assumed by an order of this Court, to the extent of any breaches, any claims that may arise would have administrative status in the bankruptcy. The Trustee believes it is more prudent to obtain this Court's authorization to execute and record the Releases rather than run the risk that the authority issue becomes a cause for concern in the future which might further delay the Smith estate realizing proceeds for the benefit of creditors.

22. As detailed above, the Title Company has specifically requested, and deemed necessary, that both Lis Pendens be removed, including the portions that are encumbering the Solar Tract, which is the subject of the Lease. Accordingly, the Court should authorize the execution of the Releases pursuant to the express terms of the Solar Order, and the jurisdiction and authority it retained to enforce the Solar Order.

23. The Trustee also requests that, to the extent applicable to the relief requested in this Motion, the Court waive the stay imposed by Bankruptcy Rule 6004(h), which provides that "[a]n order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." Fed. R. Bankr. P. 6004(h). As described above, the relief that the Trustee seeks in this Motion is necessary for the efficient administration of the Smith estate. Accordingly, the Trustee respectfully submits that ample cause exists to justify the (a) finding that the notice requirements under Bankruptcy Rule 6004(a) have been satisfied and (b) waiving of the 14-day stay imposed by Bankruptcy Rule 6004(h), as the exigent nature of the relief sought herein justifies immediate relief.

**NO PRIOR REQUEST**

24. No prior request for the relief sought in this Motion has been made to this or any other court.

**WHEREFORE**, the Trustee respectfully requests that the Court (a) enter an order authorizing the Trustee to sign and file the Releases; and (b) grant the Trustee such other and further relief as this Court deems just and proper.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: /s/ Morris D. Weiss  
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COUNSEL TO GREGORY S. MILLIGAN,  
CHAPTER 11 TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing document has been served upon all parties on the attached service list by first class mail or electronically via the Court's ECF system on February 14, 2022.

/s/ Morris D. Weiss  
Morris D. Weiss

**LIMITED SERVICE LIST**

**Debtors**

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Waco, TX 76706

Catherine Aileen Smith  
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**Secured Creditors**

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Farm Credit Of Western Oklahoma, ACA  
Brian McEntire, VP/Branch Manager Tuttle  
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Tuttle, OK 73089

Hockley County Cattle Company, Inc.  
P.O. Box 825  
Levelland, TX 79336

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101

Jessica L. Brown, PLLC  
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Beaverton, OR 97008-7105

Karen Annette Smith  
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Southlake, TX 76092

Law Offices of Elizabeth Parmer  
309 W. 7th St., Ste 900  
Ft. Worth, TX 76102

**20 Largest Unsecured Creditors  
(Combined)**

Bank of America  
Attn: Bankruptcy Department  
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P. O. Box 9000  
Getzville, NY 14068

Lazy K Cattle Company, LLC  
2956 Via Esperanza  
Edmond, OK 73013

Boomer State Outdoors, LLC  
12384 West 81st Street South  
Sapulpa, OK 74066-8141

Lazy K. Cattle Company, LLC  
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Oklahoma City, OK 73102

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Providence Health Network  
Frost-Arnett Company  
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# **EXHIBIT A**



<p><b>District Court, Bent County, Colorado</b>  <b>Court Address:</b> 725 Bent Avenue  Las Animas, CO 81054  <b>Phone Number:</b> (719) 456-1353</p> <hr/> <p><b>Plaintiff: Caddoa Creek Ranch, LLC, a Colorado limited liability company</b>  <b>v.</b>  <b>Defendants: Karen A. Smith and Stanley W. Wright, in his capacity as foreign receiver.</b></p> <hr/> <p><b>Attorneys for Plaintiff:</b>  Holder &amp; Associates, PC  <b>Address:</b> 405 South Cascade Avenue, Suite 106  Colorado Springs, Colorado 80903  <b>Phone Number:</b> (719) 575-0110  <b>Fax Number:</b> (719) 578-5863  <b>Michael D. Holder</b> Atty. Reg. #: 6787  <b>J. David Taunton</b> Atty. Reg. #: 45024</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr/> <p><b>Case Number:</b> 2020CV030014</p> <p><b>Div.:</b> <b>Ctrm.:</b></p>
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**NOTICE OF LIS PENDENS**

**This Action** has been commenced which involves title to real property and improvements thereon described as follows:

Those certain tracts of land located in Bosque County, Texas being more particularly described in **Exhibit A, Exhibit B and Exhibit C** attached hereto and incorporated herein by this reference.

Dated: December 23, 2020

Respectfully submitted,

**Holder & Associates, PC**

by: 

J. David Taunton

Attorneys for Plaintiff

#45024

**EXHIBIT A**

**LEGAL DESCRIPTION**

**TRACT ONE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 146.440 acres lying and situated in the Walter W. Daws Survey A-226 and the Wm. W. Alsberry Survey A-20 in Bosque County, Texas. Said land is all of that certain 146.440 acre Tract One described in a deed from Jean G. Mix, et al, to Willow Creek Group, LLC, recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the west line of 66.88 acres described in a deed to Robert Woodrow Edwards recorded in Volume 520, Page 195 of the Official Public Records of Bosque County, for the most easterly southeast corner of said this tract;

**THENCE:** S 58 deg 50 min 53 sec W 2881.76 feet generally along a fence to a 3/4 inch iron pipe found at a fence corner;

**THENCE:** S 58 deg 41 min 46 sec W 1514.01 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 30 deg 49 min 10 sec E 1351.62 feet generally along a fence to a 3/8 inch iron rod found at a fence corner in the north line of 3.11 acres described in a deed to David Charles Prause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County, for the most southerly southeast corner of this tract;

**THENCE:** S 58 deg 26 min 45 sec W 907.13 feet generally along a fence to a 3/8 inch iron rod found in the east line of C.R. 3545, for the northwest corner of said Prause tract;

**THENCE:** S 58 deg 47 min 20 sec W 11.28 feet to a point in the center of C.R. 3545, for the southeast corner of a 795.560 acre Tract Two described in same deed to Willow Creek and southwest corner of this tract;

**THENCE:** Along the center of said county road along the east line of said 795.560 acres the following bearings and distances to 60-D nails found: N 46 deg 30 min 12 sec W 115.51 feet, N 52 deg 37 min 28 sec W 170.59 feet, N 48 deg 07 min 22 sec W 324.47 feet, N 50 deg 22 min 08 sec W 623.97 feet, N 37 deg 24 min 08 sec W 310.49 feet, N 49 deg 21 min 19 sec W 309.65 feet and N 34 deg 28 min 31 sec W 418.02 feet to a 60-D nail set, for the existing southwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County tract and northwest corner of this tract;

**THENCE:** N 58 deg 50 min 53 sec E at 20.0 feet pass a 1/2 inch iron rod found (capped 5695) on the east line of said county road, in all 5872.40 feet across pasture to a 1/2 inch iron rod found (capped 5695) in the west line of said Edwards tract, for the southeast corner of said Hix tract and northeast corner of this tract;

**THENCE:** S 30 deg 58 min 39 sec E (827.78 feet generally along a fence and west line of said Edwards tract to the point of beginning.

**TRACT TWO:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 795.560 acres lying and situated in the Wm. W. Alsberry Survey A-20, James Skinner Survey A-783, Wm.W. Alsberry Survey A-21, K.D. Turner Survey A-817, John Demoss Survey A-206 and the A. Frazier Survey A-282 in Bosque County, Texas. Said land is all of that certain 795.560 acre Tract Two described in a deed from Jean G. Hix, et al, to Willow Creek, LLC, recorded as Instrument Number 2011-00003397 the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of this tract;

**THENCE:** N 58 deg 41 min 38 sec E 4296.96 feet generally along a fence to a 60-D nail found in a 6 inch wood post on the west side of a creek;

**THENCE:** N 36 deg 20 min 35 sec E 1306.08 feet generally along a fence to a 8 inch pipe post at a fence angle;

**THENCE:** N 71 deg 07 min 02 sec E 92.54 feet generally along a fence to a 8 inch pipe post at a fence corner, for the northeast corner of this tract;

**THENCE:** S 16 deg 38 min 56 sec E 1846.90 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 31 deg 07 min 04 sec E 2199.85 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** N 59 deg 26 min 40 sec E 222.22 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of 150 acres described in a deed to Willow Creek Group, LLC, recorded as Instrument Number 2012-00001665 of the Official Public Records of Bosque County and a outside corner of this tract;

**THENCE:** S 30 deg 33 min 14 sec E 2022.99 feet generally along a fence, to a 1/2 inch iron rod found (capped 5695) at a fence corner in an old fence line, for the southwest corner of said 150 acres and a inside corner of this tract;

**THENCE:** N 59 deg 22 min 29 sec E 1108.47 feet, generally along an old fence, and the extension thereof and south line of said 150 acres to a 60-D nail found in the center of C.R. 3545, for a northwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County and the most easterly northeast corner of this tract;

**THENCE:** Along the center of said county road to 60-D nails found, west line of said Hix tract and west line of a 146.440 acre Tract One described in same deed to Willow Creek: S 28 deg 55 min 18 sec E 204.01 feet, S 36 deg 32 min 40 sec E 455.62 feet, S 34 deg 28 min 31 sec E 523.00 feet, S 49 deg 21 min 19 sec E 309.63 feet, S 37 deg 24 min 00 sec E 310.49 feet, S 50 deg 22 min 08 sec E 623.97 feet, S 48 deg 07 min 22 sec E 324.47 feet, S 52 deg 37 min 28 sec E 170.59 feet, S 46 deg 30 min 12 sec E 115.51 feet to a point, for the southwest corner of said 146.440 acres, said point being S 58 deg 47 min 20 sec W 11.28 feet from a 3/8 inch iron rod found on the east side of said county road being the northwest corner of 3.11 acres described in a deed to David Charles Prause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County and the southeast corner of this tract;

**THENCE:** S 58 deg 47 min 20 sec W 801.04 feet generally along a fence to a 1/2 inch iron rod found, for the northeast corner of a tract of land described in a deed to Michael Lucas et ux, Alicia Lucas recorded as Instrument No. 2011-00002241 of the Official Public Records of Bosque County;

**THENCE:** S 58 deg 33 min 15 sec W 2411.09 feet generally along a fence and north line of said Lucas tract to a 1/2 inch iron rod set at a fence corner on the west side of Willow Creek, for a inside corner of this tract;

**THENCE:** S 41 deg 45 min 50 sec E 267.42 feet generally along a fence on the west side of Willow Creek to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 22 deg 43 min 55 sec E 60.06 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence intersection, for a outside corner of this tract;

**THENCE:** S 59 deg 58 min 00 sec W 841.82 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 57 deg 48 min 33 sec W 901.17 feet generally along a fence, and the extension thereof, to a 1/2 inch iron rod found (capped 5695), for the southwest corner of this tract;

**THENCE:** N 30 deg 49 min 09 sec W 4694.37 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 66 deg 33 min 18 sec W 267.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the southwest corner of this tract;

**THENCE:** N 30 deg 57 min 46 sec W 2948.57 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 59 deg 24 min 05 sec W 1900.11 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of this tract;

**THENCE: N 30 deg 27 min 55 sec W 1121.92 feet generally along a fence to the point of beginning.**

**TRACT THREE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 150.119 acres lying and situated in the Alexander Frazier Survey A-282 and the Walter W. Daws Survey A-226 in Bosque County, Texas. Said land is all of that certain tract described in a deed from Capital Farm Credit, FLCA to Willow Creek Group, LLC. recorded as Instrument Number 2012-00001668 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner in a south line of a 7687.75 acre First Tract described in a deed to Roberta Marchman et al. recorded in Volume 232, Page 744 of the Official Public Records of Bosque County, outside corner of a 795.560 acre Tract Two described in a deed to Willow Creek Group, LLC. recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County and northwest corner of this tract;

**THENCE: N 59 deg 26 min 40 sec E 2604.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said Marchman tract and most northerly northeast corner of this tract;**

**THENCE: S 31 deg 06 min 45 sec E 1274.72 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of said Marchman tract and a inside corner of this tract;**

**THENCE: N 59 deg 06 min 53 sec E 1677.78 feet generally along a fence and south line of said Marchman tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County, and the most easterly northeast corner of this tract;**

**THENCE: S 30 deg 53 min 07 sec E 752.78 feet generally along a fence to a 1/2 inch iron rod found (capped 5695), for a inside corner of said Hix tract and southeast corner of this tract;**

**THENCE: S 59 deg 22 min 29 sec W 4298.54 feet partially along a fence, north line of said Second Tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said 795.560 acres and southwest corner of this tract;**

**THENCE: N 30 deg 33 min 14 sec W 2022.99 feet generally along a fence and a east line of said 795.560 acres to the point of beginning.**

**EXHIBIT B**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 147.214 acres lying and situated in the Walter W. Daws Survey A-226, Wm. W. Alsberry Survey A-20 and A. Frazier Survey A-282 in Bosque County, Texas. Said land is part of that certain Second Tract of Parcel One described in a deed from Jean G. Hix and Heather G. Hix, as Independent Co-Executors for the Estate of Walter T. Hix, IV to Jean G. Hix, Heather G. Hix and Walter G. Hix, V as Co-Trustees for the Walter T. Hix, IV Revocable Trust recorded in Volume 471, Page 835 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner in the west line of a tract of land described in a deed to E.S. Dorman, Jr. recorded in Volume 315, Page 930 of the Deed Records of Bosque County, a southeast corner of 7687.75 acre First Tract described in a deed to Roberta Marchman recorded in Volume 232, Page 744 of the Deed Records of Bosque County, for the northeast corner of said Second Tract and northeast corner of this tract;

**THENCE:** S 31 deg 16 min 57 sec E 814.27 feet generally along a fence and east line of said Second Tract to a 3/8 inch iron rod found (capped) at a fence corner, for the existing southwest corner of said Dorman tract and northwest corner of 66.48 acres described in a deed to Robert Woodrow Edwards recorded in Volume 820, Page 195 of the Official Public Records of Bosque County;

**THENCE:** S 30 deg 58 min 39 sec E (base bearing per Edwards deed) 664.59 feet generally along a fence, west line of said Edwards tract and east line of said Second Tract to a 1/2 inch iron rod found (capped 5695), for the northeast corner of a 146.440 acre Tract One described in a deed to Caddoa Creek Ranch, LLC. recorded as Instrument Number 2014-00002412 of the Official Public Records of Bosque County and southeast corner of this tract;

**THENCE:** S 58 deg 50 min 53 sec W across pasture at 5052.40 feet pass a 1/2 inch iron rod found (capped 5695) on the east side of C.R. 3545, in all 5872.40 feet to a 60-D nail found in the center of said county road and in the east line of a 795.560 acre Tract Two described in same deed to Caddoa, for the northwest corner of said 146.440 acres and southwest corner of this tract;

**TRENCHE:** N 34 deg 28 min 31 sec W 104.94 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;

**TRENCHE:** N 36 deg 32 min 40 sec W 455.62 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;

**TRENCHE:** N 28 deg 55 min 18 sec W 204.01 feet generally along the center of said county road to a 60-D nail found in a cattle guard, and in the south line of a 150.119 acre Tract Three described in same deed to Caddoa, and in the north line of said Second Tract, for the most easterly northeast corner of said 795.560 acres and most westerly northwest corner of this tract;

**TRENCHE:** N 59 deg 22 min 29 sec E 3190.07 feet partially along a fence, south line of said 150.119 acres and north line of said Second Tract to a 1/2 inch iron rod found (capped 2498) at a fence corner, for the southeast corner of said 150.119 acres, inside corner of said Second Tract and inside corner of this tract;

**TRENCHE:** N 30 deg 53 min 07 sec W 752.78 feet generally along a fence to a 1/2 inch iron rod found at a fence corner in the south line of said Marchman tract, for the most easterly northeast corner of said 150.119 acres, most northerly northwest corner of said Second Tract and most northerly northwest corner of this tract;

**TRENCHE:** N 58 deg 59 min 33 sec E 2720.10 feet generally along a fence, south line of said Marchman tract and north line of said Second Tract to the point of beginning.



**EXHIBIT C**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 913.325 acres lying and situated in the Jome Morillo Survey A-549, Henry Nika Survey A-250, L.W. Chase Survey A-1089, B.B.B. & C.R.R. Survey A-931, Wm. Lennox Survey A-479 and M.S. Sprague Survey A-756 in Bosque County, Texas. Said land is a part of that certain 212.79 acre Tract One and part of that certain 635.36 acre Tract Two described in a deed from Sarah Jane Smith Patton to Jerry D. Bates et ux, Rebecca A. Bates recorded in Volume 349, Page 265 of the Official Public Records of Bosque County, all of that certain 65.18 acres described in a deed from Thomas L. Lacy et ux, Lisa M. Lacy to Jerry D. Bates et ux, recorded in Volume 358, Page 233 of the Official Public Records of Bosque County and all of that certain 231.95 acres described in a deed from Arno Ditttrich to Jerry Don Bates et ux, recorded in Volume 376, Page 361 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the east line of 180 acres, described in a deed to Arthur E. Willmann et ux, Alice Willmann recorded in Volume 179, Page 444 of the Deed Records of Bosque County and in the south line of C.R. 3370 at its end, northwest corner of said 231.95 acres and most northerly northwest corner of this tract;

**THENCE**: N 59 deg 30 min 26 sec E 1008.68 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post;

**THENCE**: N 60 deg 01 min 54 sec E 1390.81 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 2 inch pipe post in the south line of C.R. 3365;

**THENCE**: N 60 deg 01 min 29 sec E 1756.39 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post at a fence angle, for the northeast corner of said 231.95 acres and northeast corner of this tract;

**THENCE**: S 74 deg 31 min 55 sec E 62.00 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE**: S 40 deg 29 min 49 sec E 925.50 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE**: S 24 deg 52 min 54 sec E 68.63 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;



THENCE: S 22 deg 55 min 53 sec E 864.69 feet along the east line of said 231.95 acres and west line of said county road to a 4 inch pipe post at a fence corner, for the southeast corner of said 231.95 acres and northeast corner of said 45.18 acres;

THENCE: S 20 deg 35 min 44 sec E 963.42 feet along the east line of said 45.18 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle in the east line of said 635.38 acres;

THENCE: S 20 deg 36 min 00 sec E 902.87 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 21 deg 00 min 39 sec E 1487.40 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 24 deg 52 min 26 sec E 665.23 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 30 deg 27 min 00 sec E 788.79 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post to a 4 inch pipe post at a fence angle;

THENCE: S 62 deg 40 min 02 sec E 757.44 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner;

THENCE: S 40 deg 31 min 38 sec E 148.53 feet along the east line of said 635.38 acres and west line of said county road to a 4 inch pipe post at a fence corner;

THENCE: S 56 deg 05 min 04 sec E 82.28 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 2 inch pipe post;

THENCE: S 56 deg 27 min 55 sec E 82.04 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner, for the northeast corner of 211.77 acres surveyed by James T. Conner, R.P.L.S. No. 2139 January 24, 2013 and southeast corner of this tract;

THENCE: S 50 deg 41 min 21 sec W 900.17 feet along the north line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for an inside corner of said 211.77 acres and outside corner of this tract;

THENCE: N 53 deg 56 min 56 sec W 343.19 feet along the east line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for an outside corner of said 211.77 acres and inside corner of this tract;

THENCE: S 33 deg 52 min 14 sec W 164.04 feet along the north line of said 211.77 acres and generally along a fence to a 12 inch Elm trunk on the east side of a creek;

**THENCE: S 44 deg 22 min 02 sec W 216.79 feet, crossing said creek and along the north line of said 211.77 acres to a 8 inch cedar post in the south line of said 635.38 acres and in the north line of said 212.79 acres;**

**THENCE: S 60 deg 27 min 56 sec W 3194.50 feet along the north line of said 212.79 acres, north line of said 211.77 acres, south line of said 635.38 acres and generally along a fence to a 6 inch pipe post at a fence angle in the north line of a tract of land described, in a deed to Norma Ficklin Chaney recorded as Instrument Number 2012-00002997 of the Official Public Records of Bosque County;**

**THENCE: S 88 deg 38 min 16 sec W 2376.76 feet generally along a fence to a 4 inch pipe post at a fence corner in the east line of 53.33 acres described in a deed to Neil A. Gates et al, recorded as Instrument Number 2008-00002350 of the Official Public Records of Bosque County, northwest corner of said Chaney tract, southwest corner of said 635.38 acres and southwest corner of this tract;**

**THENCE: N 30 deg 42 min 42 sec W 1679.29 feet along the east line of said 53.33 acres and east line of a 15 acre Tract Three described in a deed to Paul Putman and Michele Sexton recorded as Instrument Number 2013-00000786 of the Official Public Records of Bosque County, generally along a fence and west line of said 635.38 acres to a 1/2 inch iron rod found, for the northeast corner of said 15 acres and southeast corner of a 39.95 acre Tract Two described in same deed to Putman;**

**THENCE: N 20 deg 57 min 01 sec W 1147.58 feet generally along a fence to a 6 inch pipe post at a fence corner in the south line of a tract of land described in a deed to Kenneth Kruse recorded in Volume 567, Page 646 of the Official Public Records of Bosque County, for the northeast corner of said 39.95 acres, northwest corner of said 635.38 acres and most westerly northwest corner of this tract;**

**THENCE: N 45 deg 29 min 34 sec W 2569.92 feet along the south line of said Kruse tract, south line of said Willmann tract, north line of said 635.38 acres and generally along a fence to a 3 inch pipe post at fence corner, for the southeast corner of said Willmann tract, southwest corner of said 231.95 acres and inside corner of this tract;**

**THENCE: N 29 deg 11 min 34 sec W (base bearing per west line 231.95 acres) 2893.03 feet along the east line of said Willmann tract, west line of said 231.95 acres and generally along a fence to the point of beginning.**

Filed for Record In:  
STATE OF TEXAS, BOSQUE COUNTY TEXAS  
I hereby certify that this instrument was filed on the  
date and time stamped hereon by me and was duly  
recorded in the records of:

BOSQUE COUNTY TEXAS  
Tabatha Ferguson, COUNTY CLERK

Instr.: 2021-00132  
January 13, 2021 at 8:36 AM  
Stamps: 10 Page(s)

By: Sandra Waller  
Deputy Clerk



# **EXHIBIT B**

  
BOSQUE COUNTY # 2020-02681 Not of Lis Pendens

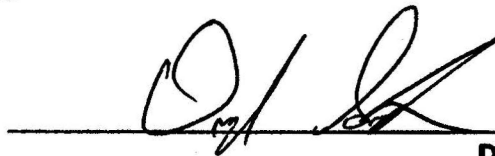
STATE OF TEXAS           §  
                                          §  
COUNTY OF BOSQUE    §

KNOW ALL MEN BY THESE PRESENTS:

**NOTICE OF LIS PENDENS**

NOTICE is hereby given that in the Second Court of Appeals in Fort Worth, Texas, there is pending a certain suit entitled *Smith v. Smith, et al*, bearing Cause No. **02-20-00064** wherein Daryl G. Smith and Darren Keith Reed are appellants and that such suit involves title to real property, being more particularly described on Exhibit "A", Exhibit "B" and Exhibit "C" attached herein, located in Bosque County Texas. Appellants are seeking affirmative relief in such cause, appealing from the November 27, 2019, final judgment (as modified) and an unlawful February 7, 2020, receivership order of the 325<sup>th</sup> District Court of Tarrant County, Texas, issued in violation of (i) TEX. FAM. CODE § 9.007(c); (ii) TEX. BUS. ORG. CODE §§ 101.112(f) and 101.1115; (iii) COLO. REV. STAT. §§ 7-80-108(1) and 7-80-702(1); and (iv) the Operating Agreement of Caddoa Creek Ranch, L.L.C., § 7.1(d).

EXECUTED this 7<sup>th</sup> day of August 2020.



**DARYL G. SMITH**  
5826 Cooksey Ln.  
Robinson, Texas 76706  
Telephone: 254-214-6590  
**APPELLANT**



**DARREN KEITH REED**  
611 S. Llano  
Whitney Texas 76692  
Telephone: 254-337-3001  
**APPELLANT**

**AFFIDAVIT OF DARYL G. SMITH**

**STATE OF TEXAS** §  
§  
**COUNTY OF MCLENNAN** §

On this day, **DARYL G. SMITH.**, appeared before me, a Notary Public, and after I administered an oath to him, upon his oath, he said:

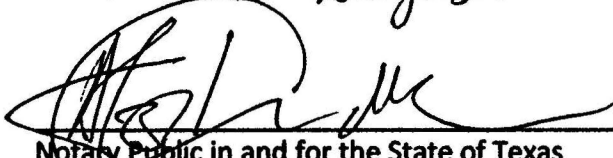
1. "My name is Daryl G. Smith. I am more than 18 years of age and capable of making this affidavit.

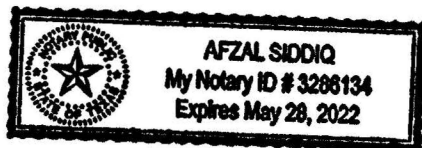
2. I executed the foregoing Notice of Lis Pendens for the purposes therein expressed and in the capacity therein stated."

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
**DARYL G. SMITH**

SWORN TO and SUBSCRIBED before me by Daryl G. Smith, known to me to be the same, on the 7<sup>th</sup> of August of 2020.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



**AFFIDAVIT OF DARREN KEITH REED**

**STATE OF TEXAS**                   §  
                                             §  
**COUNTY OF HILL**               §

On this day, **DARREN KEITH REED**, appeared before me, a Notary Public, and after I administered an oath to him, upon his oath, he said:

1. "My name is Darren Keith Reed. I am more than 18 years of age and capable of making this affidavit.

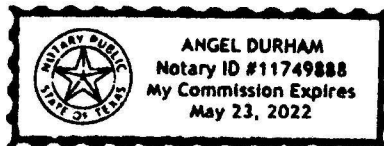
2. I executed the foregoing Notice of Lis Pendens for the purposes therein expressed and in the capacity therein stated."

**FURTHER AFFIANT SAYETH NOT.**

  
\_\_\_\_\_  
**DARREN KEITH REED**

SWORN TO and SUBSCRIBED before me by Darren Keith Reed, known to me to be the same, on the 7 of August, of 2020

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



**AFTER RECORDING PLEASE RETURN TO:**

**DARYL SMITH**  
**5826 Cooksey Ln.**  
**Robinson, Texas 76706**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**TRACT ONE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 146.440 acres lying and situated in the Walter W. Daws Survey A-226 and the Wm. W. Alsberry Survey A-20 in Bosque County, Texas. Said land is all of that certain 146.440 acre Tract One described in a deed from Jean G. Hix, et al, to Willow Creek Group, LLC, recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the west line of 66.88 acres described in a deed to Robert Woodrow Edwards recorded in Volume 520, Page 195 of the Official Public Records of Bosque County, for the most easterly southeast corner of said this tract;

**THENCE:** S 58 deg 50 min 53 sec W 2881.76 feet generally along a fence to a 3/4 inch iron pipe found at a fence corner;

**THENCE:** S 58 deg 41 min 46 sec W 1514.01 feet generally along a fence to a 1/2 inch iron rod found (capped 5698) at a fence corner, for a inside corner of this tract;

**THENCE:** S 30 deg 49 min 10 sec E 1351.62 feet generally along a fence to a 3/8 inch iron rod found at a fence corner in the north line of 3.11 acres described in a deed to David Charles Frause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County, for the most southerly southeast corner of this tract;

**THENCE:** S 58 deg 26 min 45 sec W 907.13 feet generally along a fence to a 3/8 inch iron rod found in the east line of C.R. 3545, for the northwest corner of said Frause tract;

**THENCE:** S 58 deg 47 min 20 sec W 11.28 feet to a point in the center of C.R. 3545, for the southeast corner of a 795.560 acre Tract Two described in same deed to Willow Creek and southwest corner of this tract;

**THENCE:** Along the center of said county road along the east line of said 795.560 acres the following bearings and distances to 60-D nails found; N 46 deg 30 min 12 sec W 115.51 feet, N 52 deg 37 min 28 sec W 170.59 feet, N 48 deg 07 min 22 sec W 324.47 feet, N 58 deg 22 min 08 sec W 623.97 feet, N 37 deg 24 min 08 sec W 310.49 feet, N 49 deg 21 min 19 sec W 309.65 feet and N 34 deg 28 min 31 sec W 418.02 feet to a 60-D nail set, for the existing southwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County tract and northwest corner of this tract;

**THENCE:** N 58 deg 50 min 53 sec E at 20.0 feet pass a 1/2 inch iron rod found (capped 5695) on the east line of said county road, in all 5872.40 feet across pasture to a 1/2 inch iron rod found (capped 5695) in the west line of said Edwards tract, for the southeast corner of said Hix tract and northeast corner of this tract;

**THENCE: S 30 deg 58 min 39 sec E (827.78 feet generally along a fence and west line of said Edwards tract to the point of beginning.**

**TRACT TWO:**

**FIELD NOTES for a lot, tract, or parcel of land containing 795.560 acres lying and situated in the Wm. W. Alsberry Survey A-20, James Skinner Survey A-783, Wm.W. Alsberry Survey A-21, K.D. Turner Survey A-817, John Demoss Survey A-206 and the A. Frazier Survey A-282 in Bosque County, Texas. Said land is all of that certain 795.560 acre Tract Two described in a deed from Jean G. Hix, et al, to Willow Creek, LLC, recorded as Instrument Number 2011-00003397 the Official Public Records of Bosque County, and is more particularly described as follows:**

**BEGINNING at a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of this tract;**

**THENCE: N 58 deg 41 min 38 sec E 4296.96 feet generally along a fence to a 60-D nail found in a 6 inch wood post on the west side of a creek;**

**THENCE: N 36 deg 20 min 35 sec E 1306.08 feet generally along a fence to a 8 inch pipe post at a fence angle;**

**THENCE: N 71 deg 07 min 02 sec E 92.54 feet generally along a fence to a 8 inch pipe post at a fence corner, for the northeast corner of this tract;**

**THENCE: S 16 deg 38 min 56 sec E 1846.90 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;**

**THENCE: S 31 deg 07 min 04 sec E 2199.85 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;**

**THENCE: N 59 deg 26 min 40 sec E 222.22 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of 150 acres described in a deed to Willow Creek Group, LLC, recorded as Instrument Number 2012-00001665 of the Official Public Records of Bosque County and a outside corner of this tract;**

**THENCE: S 30 deg 33 min 14 sec E 2022.99 feet generally along a fence, to a 1/2 inch iron rod found (capped 5695) at a fence corner in an old fence line, for the southwest corner of said 150 acres and a inside corner of this tract;**

**THENCE: N 59 deg 22 min 29 sec E 1108.47 feet, generally along an old fence, and the extension thereof and south line of said 150 acres to a 60-D nail found in the center of C.R. 3545, for a northwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County and the most easterly northeast corner of this tract;**



**THENCE:** Along the center of said county road to 60-D nails found, west line of said Hix tract and west line of a 146.440 acre Tract One described in same deed to Willow Creek: S 28 deg 55 min 18 sec E 204.01 feet, S 36 deg 32 min 40 sec E 455.62 feet, S 34 deg 28 min 31 sec E 523.00 feet, S 49 deg 21 min 19 sec E 309.63 feet, S 37 deg 24 min 08 sec E 310.49 feet, S 50 deg 22 min 08 sec E 623.97 feet, S 48 deg 07 min 22 sec E 324.47 feet, S 52 deg 37 min 28 sec E 170.59 feet, S 46 deg 30 min 12 sec E 115.51 feet to a point, for the southwest corner of said 146.440 acres, said point being S 58 deg 47 min 20 sec W 11.28 feet from a 3/8 inch iron rod found on the east side of said county road being the northwest corner of 3.11 acres described in a deed to David Charles Frause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County and the southeast corner of this tract;

**THENCE:** S 58 deg 47 min 20 sec W 801.04 feet generally along a fence to a 1/2 inch iron rod found, for the northeast corner of a tract of land described in a deed to Michael Lucas et ux, Alicia Lucas recorded as Instrument No. 2011-00002241 of the Official Public Records of Bosque County;

**THENCE:** S 58 deg 33 min 15 sec W 2411.09 feet generally along a fence and north line of said Lucas tract to a 1/2 inch iron rod set at a fence corner on the west side of Willow Creek, for a inside corner of this tract;

**THENCE:** S 41 deg 45 min 50 sec E 267.42 feet generally along a fence on the west side of Willow Creek to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 22 deg 43 min 55 sec E 60.06 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence intersection, for a outside corner of this tract;

**THENCE:** S 59 deg 58 min 00 sec W 841.82 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 57 deg 48 min 33 sec W 901.17 feet generally along a fence, and the extension thereof, to a 1/2 inch iron rod found (capped 5695), for the southwest corner of this tract;

**THENCE:** N 30 deg 49 min 09 sec W 4694.37 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 66 deg 33 min 18 sec W 267.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the southwest corner of this tract;

**THENCE:** N 30 deg 57 min 46 sec W 2948.57 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 59 deg 24 min 05 sec W 1900.11 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of this tract;

**THENCE: N 30 deg 27 min 55 sec W 1121.92 feet generally along a fence to the point of beginning.**

**TRACT THREE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 150.119 acres lying and situated in the Alexander Prazier Survey A-282 and the Walter W. Daws Survey A-226 in Bosque County, Texas. Said land is all of that certain tract described in a deed from Capital Farm Credit, FLCA to Willow Creek Group, LLC. recorded as Instrument Number 2012-00001668 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner in a south line of a 7687.73 acre First Tract described in a deed to Roberta Marchman et al, recorded in Volume 232, Page 744 of the Official Public Records of Bosque County, outside corner of a 795.560 acre Tract Two described in a deed to Willow Creek Group, LLC. recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County and northwest corner of this tract;

**THENCE: N 59 deg 26 min 40 sec E 2604.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said Marchman tract and most northerly northeast corner of this tract;**

**THENCE: S 31 deg 06 min 45 sec E 1274.72 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of said Marchman tract and a inside corner of this tract;**

**THENCE: N 59 deg 06 min 53 sec E 1677.78 feet generally along a fence and south line of said Marchman tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County, and the most easterly northeast corner of this tract;**

**THENCE: S 30 deg 53 min 07 sec E 752.78 feet generally along a fence to a 1/2 inch iron rod found (capped 5695), for a inside corner of said Hix tract and southeast corner of this tract;**

**THENCE: S 59 deg 22 min 29 sec W 4298.54 feet partially along a fence, north line of said Second Tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said 795.560 acres and southwest corner of this tract;**

**THENCE: N 30 deg 33 min 14 sec W 2022.99 feet generally along a fence and a east line of said 795.560 acres to the point of beginning.**

**EXHIBIT B**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 147.214 acres lying and situated in the Walter W. Daws Survey A-226, Wm. W. Alsberry Survey A-20 and A. Frazier Survey A-282 in Bosque County, Texas. Said land is part of that certain Second Tract of Parcel One described in a deed from Jean G. Mix and Heather G. Mix, as Independent Co-Executors for the Estate of Walter T. Mix, IV to Jean G. Mix, Heather G. Mix and Walter G. Mix, V as Co-Trustees for the Walter T. Mix, IV Revocable Trust recorded in Volume 471, Page 835 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 3695) at a fence corner in the west line of a tract of land described in a deed to H.S. Dorman, Jr. recorded in Volume 315, Page 930 of the Deed Records of Bosque County, a southeast corner of 7487.75 acre First Tract described in a deed to Roberta Marchman recorded in Volume 232, Page 744 of the Deed Records of Bosque County, for the northeast corner of said Second Tract and northeast corner of this tract;

**THENCE:** S 31 deg 16 min 57 sec E 814.27 Feet generally along a fence and east line of said Second Tract to a 3/8 inch iron rod found (capped) at a fence corner, for the existing southwest corner of said Dorman tract and northwest corner of 66.88 acres described in a deed to Robert Woodrow Edwards recorded in Volume 320, Page 195 of the Official Public Records of Bosque County;

**THENCE:** S 30 deg 58 min 39 sec E (base bearing per Edwards deed) 664.59 feet generally along a fence, west line of said Edwards tract and east line of said Second Tract to a 1/2 inch iron rod found (capped 3695), for the northeast corner of a 146.440 acre Tract One described in a deed to Cadden Creek Ranch, LLC, recorded as Instrument Number 2014-00002412 of the Official Public Records of Bosque County and southeast corner of this tract;

**THENCE:** S 58 deg 50 min 53 sec W across pasture at 5852.40 feet pass a 1/2 inch iron rod found (capped 3695) on the east side of C.R. 3545, in all 5872.40 feet to a 60-D nail found in the center of said county road and in the east line of a 793.560 acre Tract Two described in same deed to Cadden, for the northwest corner of said 146.440 acres and southwest corner of this tract;

**THENCE: N 34 deg 28 min 31 sec W 104.98 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;**

**THENCE: N 36 deg 32 min 40 sec W 455.62 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;**

**THENCE: N 28 deg 55 min 18 sec W 204.01 feet generally along the center of said county road to a 60-D nail found in a cattle guard, and in the south line of a 150.119 acre Tract Three described in same deed to Caddon, and in the north line of said Second Tract, for the most easterly northeast corner of said 795.560 acres and most westerly northwest corner of this tract;**

**THENCE: N 59 deg 22 min 29 sec E 3190.07 feet partially along a fence, south line of said 150.119 acres and north line of said Second Tract to a 1/2 inch iron rod found (capped 8495) at a fence corner, for the southeast corner of said 150.119 acres, inside corner of said Second Tract and inside corner of this tract;**

**THENCE: N 30 deg 53 min 07 sec W 752.74 feet generally along a fence to a 1/2 inch iron rod found at a fence corner in the south line of said Marchman tract, for the most easterly northeast corner of said 150.119 acres, most northerly northwest corner of said Second Tract and most northerly northwest corner of this tract;**

**THENCE: N 58 deg 59 min 33 sec E 2720.10 feet generally along a fence, south line of said Marchman tract and north line of said Second Tract to the point of beginning.**

**EXHIBIT C**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 913.326 acres lying and situated in the Jose Morillo Survey A-549, Henry Wife Survey A-250, L.W. Chase Survey A-1029, B.B.B. & C.R.R. Survey A-931, Wm. Lennox Survey A-479 and M.S. Sprague Survey A-756 in Bosque County, Texas. Said land is a part of that certain 212.79 acre Tract One and part of that certain 635.38 acre Tract Two described in a deed from Sarah Jane Smith Patton to Jerry D. Bates et ux, Rebecca A. Bates recorded in Volume 349, Page 265 of the Official Public Records of Bosque County, all of that certain 45.18 acres described in a deed from Thomas L. Lady et ux, Lisa M. Lady to Jerry D. Bates et ux, recorded in Volume 358, Page 233 of the Official Public Records of Bosque County and all of that certain 231.95 acres described in a deed from Arne Ditturich to Jerry Don Bates et ux, recorded in Volume 376, Page 361 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the east line of 180 acres, described in a deed to Arthur B. Willmann et ux, Alice Willmann recorded in Volume 179, Page 444 of the Deed Records of Bosque County and in the south line of C.R. 3370 at its end, northwest corner of said 231.95 acres and most northerly northwest corner of this tract;

**THENCE:** N 59 deg 30 min 26 sec E 1008.68 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post;

**THENCE:** N 60 deg 01 min 54 sec E 1390.81 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 2 inch pipe post in the south line of C.R. 3368;

**THENCE:** N 60 deg 01 min 29 sec E 1756.39 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post at a fence angle, for the northeast corner of said 231.95 acres and northeast corner of this tract;

**THENCE:** S 74 deg 31 min 55 sec E 62.06 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 40 deg 29 min 49 sec E 925.50 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 24 deg 52 min 54 sec E 68.63 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE: S 22 deg 55 min 53 sec E 864.69 feet along the east line of said 231.95 acres and west line of said county road to a 4 inch pipe post at a fence corner, for the southeast corner of said 231.95 acres and northeast corner of said 45.18 acres;**

**THENCE: S 20 deg 35 min 44 sec E 963.42 feet along the east line of said 45.18 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle in the east line of said 635.38 acres;**

**THENCE: S 20 deg 36 min 00 sec E 962.87 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;**

**THENCE: S 21 deg 00 min 39 sec E 1487.40 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;**

**THENCE: S 24 deg 52 min 26 sec E 665.23 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;**

**THENCE: S 30 deg 27 min 00 sec E 788.79 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post to a 4 inch pipe post at a fence angle;**

**THENCE: S 62 deg 48 min 02 sec E 757.44 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner;**

**THENCE: S 40 deg 31 min 38 sec E 148.83 feet along the east line of said 635.38 acres and west line of said county road to a 4 inch pipe post at a fence corner;**

**THENCE: S 56 deg 03 min 04 sec E 82.28 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 2 inch pipe post;**

**THENCE: S 56 deg 27 min 55 sec E 82.04 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner, for the northeast corner of 211.77 acres surveyed by James F. Conner, R.P.L.S. No. 2139 January 24, 2013 and southeast corner of this tract;**

**THENCE: S 50 deg 41 min 21 sec W 900.17 feet along the north line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for a inside corner of said 211.77 acres and outside corner of this tract;**

**THENCE: N 53 deg 58 min 56 sec W 343.13 feet along the east line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for a outside corner of said 211.77 acres and inside corner of this tract;**

**THENCE: S 33 deg 52 min 14 sec W 164.04 feet along the north line of said 211.77 acres and generally along a fence to a 12 inch elm trunk on the east side of a creek;**



**THENCE:** S 44 deg 22 min 02 sec W 216.79 feet, crossing said creek and along the north line of said 211.77 acres to a 8 inch cedar post in the south line of said 635.38 acres and in the north line of said 212.79 acres;

**THENCE:** S 60 deg 27 min 56 sec W 3194.80 feet along the north line of said 212.79 acres, north line of said 211.77 acres, south line of said 635.38 acres and generally along a fence to a 6 inch pipe post at a fence angle in the north line of a tract of land described in a deed to Norma Ficklin Chaney recorded as Instrument Number 2012-00002997 of the Official Public Records of Bosque County;

**THENCE:** S 88 deg 38 min 16 sec W 2376.76 feet generally along a fence to a 4 inch pipe post at a fence corner in the east line of 53.33 acres described in a deed to Neil A. Gates et al, recorded as Instrument Number 2006-00002350 of the Official Public Records of Bosque County, northwest corner of said Chaney tract, southwest corner of said 635.38 acres and southwest corner of this tract;

**THENCE:** N 30 deg 42 min 42 sec W 1679.29 feet along the east line of said 53.33 acres and east line of a 15 acre Tract Three described in a deed to Paul Putman and Michele Sexton recorded as Instrument Number 2013-00000786 of the Official Public Records of Bosque County, generally along a fence and west line of said 635.38 acres to a 1/2 inch iron rod found, for the northeast corner of said 15 acres and southeast corner of a 39.95 acre Tract Two described in same deed to Putman;

**THENCE:** N 30 deg 57 min 01 sec W 1147.58 feet generally along a fence to a 6 inch pipe post at a fence corner in the south line of a tract of land described in a deed to Kenneth Kruse recorded in Volume 567, Page 646 of the Official Public Records of Bosque County, for the northeast corner of said 39.95 acres, northwest corner of said 635.38 acres and most westerly northwest corner of this tract;

**THENCE:** N 45 deg 29 min 34 sec E 2569.92 feet along the south line of said Kruse tract, south line of said Willmann tract, north line of said 635.38 acres and generally along a fence to a 3 inch pipe post at fence corner, for the southeast corner of said Willmann tract, southwest corner of said 231.95 acres and inside corner of this tract;

**THENCE:** N 29 deg 11 min 34 sec W (base bearing per west line 231.95 acres) 2893.03 feet along the east line of said Willmann tract, west line of said 231.95 acres and generally along a fence to the point of beginning.

Filed for Record In:  
STATE OF TEXAS, BOSQUE COUNTY TEXAS  
I hereby certify that this Instrument was filed on the  
date and time stamped hereon by me and was duly  
recorded in the records of:

BOSQUE COUNTY TEXAS  
Tabatha Ferguson, COUNTY CLERK

Instr.: 2020-02681  
August 10, 2020 at 12:02 PM  
Stamps: 17 Page(s)

By:

*Michelle Is*  
Deputy Clerk



# **EXHIBIT C**



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**From:** Skalka, Matthew <MSkalka@thomastitle.com>  
**Sent:** Wednesday, February 2, 2022 10:56 AM  
**To:** Morris Weiss  
**Subject:** 913ac Bosque County

**External Message**

Hi Morris,

The issue behind the local title agent not showing title in line with the recorded correction deed is due to the Lis Pendens.

Can you get the LP released? While at it, can you get it formally released on the solar land as well?

Thanks.

**Matthew P. Skalka**  
Executive Vice President  
Underwriting & Energy Services  
NATIONAL COMMERCIAL SERVICES

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o: 713.481.5215 | c: 713.438.2543  
[mskalka@thomastitle.com](mailto:mskalka@thomastitle.com) | [www.thomastitle.com](http://www.thomastitle.com)

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1800 West Loop South, Suite 750  
Houston, Texas 77027



Dallas | Houston | Scottsdale  
National Coverage Local Expertise

# **EXHIBIT D**

**RELEASE OF LIS PENDENS**

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

On August 10, 2020, Daryl G. Smith and Darren Keith Reed, filed for record a Notice of Lis Pendens under Instrument No. 2020-02681, which instrument is filed of record among the Official Public Records of Bosque County, Texas, evidencing a claim against the property described on **Exhibit A, Exhibit B and Exhibit C** hereto on behalf of themselves as Appellants in a suit styled *Daryl Greg Smith v. Karen Annette Smith, et al.*, Case No. 02-20-00064-cv, in the Second Court of Appeals for the State of Texas (the “**Lawsuit**”).

The action involves title to certain real property and improvements thereon (the “**Property**”), described more particularly as follows:

Those certain tracts of land located in Bosque County, Texas, being more particularly described in **Exhibit A, Exhibit B and Exhibit C** attached hereto and incorporated herein by this reference.

All claims in the Lawsuit related to the Property are no longer being asserted. Therefore, in consideration of the recitals and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Gregory S. Milligan, as Chapter 11 Trustee for Daryl Greg Smith, and Darren Keith Reed RELEASE, SURRENDER, and DISCHARGE the above described Notice of Lis Pendens.

EXECUTED on this \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Gregory S. Milligan, as Chapter 11 Trustee  
for Daryl Greg Smith

---

Darren Keith Reed

THE STATE OF TEXAS                               §  
COUNTY OF TRAVIS                              §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022, by Gregory S. Milligan, as Chapter 11 Trustee for Daryl Greg Smith.

NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS                                 §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022, by Darren Keith Reed.

NOTARY PUBLIC, STATE OF TEXAS

**EXHIBIT A**

**LEGAL DESCRIPTION**

**TRACT ONE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 146.440 acres lying and situated in the Walter W. Daws Survey A-226 and the Wm. W. Alsberry Survey A-20 in Bosque County, Texas. Said land is all of that certain 146.440 acre Tract One described in a deed from Jean G. Hix, et al, to Willow Creek Group, LLC, recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the west line of 66.88 acres described in a deed to Robert Woodrow Edwards recorded in Volume 520, Page 195 of the Official Public Records of Bosque County, for the most easterly southeast corner of said this tract;

**THENCE:** S 58 deg 50 min 53 sec W 2881.76 feet generally along a fence to a 3/4 inch iron pipe found at a fence corner;

**THENCE:** S 58 deg 41 min 46 sec W 1514.01 feet generally along a fence to a 1/2 inch iron rod found (capped 5698) at a fence corner, for a inside corner of this tract;

**THENCE:** S 30 deg 49 min 10 sec E 1351.62 feet generally along a fence to a 3/8 inch iron rod found at a fence corner in the north line of 3.11 acres described in a deed to David Charles Frause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County, for the most southerly southeast corner of this tract;

**THENCE:** S 58 deg 26 min 45 sec W 907.13 feet generally along a fence to a 3/8 inch iron rod found in the east line of C.R. 3545, for the northwest corner of said Frause tract;

**THENCE:** S 58 deg 47 min 20 sec W 11.28 feet to a point in the center of C.R. 3545, for the southeast corner of a 795.560 acre Tract Two described in same deed to Willow Creek and southwest corner of this tract;

**THENCE:** Along the center of said county road along the east line of said 795.560 acres the following bearings and distances to 60-D nails found; N 46 deg 30 min 12 sec W 115.51 feet, N 52 deg 37 min 28 sec W 170.59 feet, N 48 deg 07 min 22 sec W 324.47 feet, N 58 deg 22 min 08 sec W 623.97 feet, N 37 deg 24 min 08 sec W 310.49 feet, N 49 deg 21 min 19 sec W 309.65 feet and N 34 deg 28 min 31 sec W 418.02 feet to a 60-D nail set, for the existing southwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County tract and northwest corner of this tract;

**THENCE:** N 58 deg 50 min 53 sec E at 20.0 feet pass a 1/2 inch iron rod found (capped 5695) on the east line of said county road, in all 5872.40 feet across pasture to a 1/2 inch iron rod found (capped 5695) in the west line of said Edwards tract, for the southeast corner of said Hix tract and northeast corner of this tract;

**THENCE: S 30 deg 58 min 39 sec E (827.78 feet generally along a fence and west line of said Edwards tract to the point of beginning.**

**TRACT TWO:**

**FIELD NOTES for a lot, tract, or parcel of land containing 795.560 acres lying and situated in the Wm. W. Alsberry Survey A-20, James Skinner Survey A-783, Wm.W. Alsberry Survey A-21, K.D. Turner Survey A-817, John Demoss Survey A-206 and the A. Frazier Survey A-282 in Bosque County, Texas. Said land is all of that certain 795.560 acre Tract Two described in a deed from Jean G. Hix, et al, to Willow Creek, LLC, recorded as Instrument Number 2011-00003397 the Official Public Records of Bosque County, and is more particularly described as follows:**

**BEGINNING at a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of this tract;**

**THENCE: N 58 deg 41 min 38 sec E 4296.96 feet generally along a fence to a 60-D nail found in a 6 inch wood post on the west side of a creek;**

**THENCE: N 36 deg 20 min 35 sec E 1306.08 feet generally along a fence to a 8 inch pipe post at a fence angle;**

**THENCE: N 71 deg 07 min 02 sec E 92.54 feet generally along a fence to a 8 inch pipe post at a fence corner, for the northeast corner of this tract;**

**THENCE: S 16 deg 38 min 56 sec E 1846.90 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;**

**THENCE: S 31 deg 07 min 04 sec E 2199.85 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;**

**THENCE: N 59 deg 26 min 40 sec E 222.22 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of 150 acres described in a deed to Willow Creek Group, LLC, recorded as Instrument Number 2012-00001665 of the Official Public Records of Bosque County and a outside corner of this tract;**

**THENCE: S 30 deg 33 min 14 sec E 2022.99 feet generally along a fence, to a 1/2 inch iron rod found (capped 5695) at a fence corner in an old fence line, for the southwest corner of said 150 acres and a inside corner of this tract;**

**THENCE: N 59 deg 22 min 29 sec E 1108.47 feet, generally along an old fence, and the extension thereof and south line of said 150 acres to a 60-D nail found in the center of C.R. 3545, for a northwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County and the most easterly northeast corner of this tract;**

**THENCE:** Along the center of said county road to 60-D nails found, west line of said Hix tract and west line of a 146.440 acre Tract One described in same deed to Willow Creek: S 28 deg 55 min 18 sec E 204.01 feet, S 36 deg 32 min 40 sec E 455.62 feet, S 34 deg 28 min 31 sec E 523.00 feet, S 49 deg 21 min 19 sec E 309.63 feet, S 37 deg 24 min 08 sec E 310.49 feet, S 50 deg 22 min 08 sec E 623.97 feet, S 48 deg 07 min 22 sec E 324.47 feet, S 52 deg 37 min 28 sec E 170.59 feet, S 46 deg 30 min 12 sec E 115.51 feet to a point, for the southwest corner of said 146.440 acres, said point being S 58 deg 47 min 20 sec W 11.28 feet from a 3/8 inch iron rod found on the east side of said county road being the northwest corner of 3.11 acres described in a deed to David Charles Frause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County and the southeast corner of this tract;

**THENCE:** S 58 deg 47 min 20 sec W 801.04 feet generally along a fence to a 1/2 inch iron rod found, for the northeast corner of a tract of land described in a deed to Michael Lucas et ux, Alicia Lucas recorded as Instrument No. 2011-00002241 of the Official Public Records of Bosque County;

**THENCE:** S 58 deg 33 min 15 sec W 2411.09 feet generally along a fence and north line of said Lucas tract to a 1/2 inch iron rod set at a fence corner on the west side of Willow Creek, for a inside corner of this tract;

**THENCE:** S 41 deg 45 min 50 sec E 267.42 feet generally along a fence on the west side of Willow Creek to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 22 deg 43 min 55 sec E 60.06 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence intersection, for a outside corner of this tract;

**THENCE:** S 59 deg 58 min 00 sec W 841.82 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 57 deg 48 min 33 sec W 901.17 feet generally along a fence, and the extension thereof, to a 1/2 inch iron rod found (capped 5695), for the southwest corner of this tract;

**THENCE:** N 30 deg 49 min 09 sec W 4694.37 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 66 deg 33 min 18 sec W 267.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the southwest corner of this tract;

**THENCE:** N 30 deg 57 min 46 sec W 2948.57 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 59 deg 24 min 05 sec W 1900.11 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of this tract;

**THENCE: N 30 deg 27 min 55 sec W 1121.92 feet generally along a fence to the point of beginning.**

**TRACT THREE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 150.119 acres lying and situated in the Alexander Prazier Survey A-282 and the Walter W. Daws Survey A-226 in Bosque County, Texas. Said land is all of that certain tract described in a deed from Capital Farm Credit, FLCA to Willow Creek Group, LLC. recorded as Instrument Number 2012-00001668 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner in a south line of a 7687.73 acre First Tract described in a deed to Roberta Marchman et al. recorded in Volume 232, Page 744 of the Official Public Records of Bosque County, outside corner of a 795.560 acre Tract Two described in a deed to Willow Creek Group, LLC. recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County and northwest corner of this tract;

**THENCE: N 59 deg 26 min 40 sec E 2604.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said Marchman tract and most northerly northeast corner of this tract;**

**THENCE: S 31 deg 06 min 45 sec E 1274.72 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of said Marchman tract and a inside corner of this tract;**

**THENCE: N 59 deg 06 min 53 sec E 1677.78 feet generally along a fence and south line of said Marchman tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County, and the most easterly northeast corner of this tract;**

**THENCE: S 30 deg 53 min 07 sec E 752.78 feet generally along a fence to a 1/2 inch iron rod found (capped 5695), for a inside corner of said Hix tract and southeast corner of this tract;**

**THENCE: S 59 deg 22 min 29 sec W 4298.54 feet partially along a fence, north line of said Second Tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said 795.560 acres and southwest corner of this tract;**

**THENCE: N 30 deg 33 min 14 sec W 2022.99 feet generally along a fence and a east line of said 795.560 acres to the point of beginning.**



**EXHIBIT B**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 147.214 acres lying and situated in the Walter W. Daws Survey A-226, Wm. W. Alsberry Survey A-20 and A. Frazier Survey A-282 in Bosque County, Texas. Said land is part of that certain Second Tract of Parcel One described in a deed from Jean G. Mix and Heather G. Mix, as Independent Co-Executors for the Estate of Walter T. Mix, IV to Jean G. Mix, Heather G. Mix and Walter G. Mix, V as Co-Trustees for the Walter T. Mix, IV Revocable Trust recorded in Volume 471, Page 835 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 3695) at a fence corner in the west line of a tract of land described in a deed to H.S. Dorman, Jr. recorded in Volume 315, Page 930 of the Deed Records of Bosque County, a southeast corner of 7487.75 acre First Tract described in a deed to Roberta Marchman recorded in Volume 232, Page 744 of the Deed Records of Bosque County, for the northeast corner of said Second Tract and northeast corner of this tract;

**THENCE:** S 31 deg 16 min 57 sec E 814.27 Feet generally along a fence and east line of said Second Tract to a 3/8 inch iron rod found (capped) at a fence corner, for the existing southwest corner of said Dorman tract and northwest corner of 66.88 acres described in a deed to Robert Woodrow Edwards recorded in Volume 320, Page 195 of the Official Public Records of Bosque County;

**THENCE:** S 30 deg 58 min 39 sec E (base bearing per Edwards deed) 664.59 feet generally along a fence, west line of said Edwards tract and east line of said Second Tract to a 1/2 inch iron rod found (capped 3695), for the northeast corner of a 146.440 acre Tract One described in a deed to Cadden Creek Ranch, LLC. recorded as Instrument Number 2014-00002412 of the Official Public Records of Bosque County and southeast corner of this tract;

**THENCE:** S 58 deg 50 min 53 sec W across pasture at 5852.40 feet pass a 1/2 inch iron rod found (capped 3695) on the east side of C.R. 3545, in all 5872.40 feet to a 60-D nail found in the center of said county road and in the east line of a 795.560 acre Tract Two described in same deed to Cadden, for the northwest corner of said 146.440 acres and southwest corner of this tract;

**THENCE: N 34 deg 28 min 31 sec W 104.98 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;**

**THENCE: N 36 deg 32 min 40 sec W 455.62 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;**

**THENCE: N 28 deg 55 min 18 sec W 204.01 feet generally along the center of said county road to a 60-D nail found in a cattle guard, and in the south line of a 150.119 acre Tract Three described in same deed to Caddon, and in the north line of said Second Tract, for the most easterly northeast corner of said 795.560 acres and most westerly northwest corner of this tract;**

**THENCE: N 59 deg 22 min 29 sec E 3190.07 feet partially along a fence, south line of said 150.119 acres and north line of said Second Tract to a 1/2 inch iron rod found (capped 8495) at a fence corner, for the southeast corner of said 150.119 acres, inside corner of said Second Tract and inside corner of this tract;**

**THENCE: N 30 deg 53 min 07 sec W 752.74 feet generally along a fence to a 1/2 inch iron rod found at a fence corner in the south line of said Marchman tract, for the most easterly northeast corner of said 150.119 acres, most northerly northwest corner of said Second Tract and most northerly northwest corner of this tract;**

**THENCE: N 58 deg 59 min 33 sec E 2720.10 feet generally along a fence, south line of said Marchman tract and north line of said Second Tract to the point of beginning.**

**EXHIBIT C**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 913.326 acres lying and situated in the Jose Morillo Survey A-549, Henry Wife Survey A-250, L.W. Chase Survey A-1029, B.B.B. & C.R.R. Survey A-931, Wm. Lennox Survey A-479 and M.S. Sprague Survey A-756 in Bosque County, Texas. Said land is a part of that certain 212.79 acre Tract One and part of that certain 635.38 acre Tract Two described in a deed from Sarah Jane Smith Patton to Jerry D. Bates et ux, Rebecca A. Bates recorded in Volume 349, Page 265 of the Official Public Records of Bosque County, all of that certain 45.18 acres described in a deed from Thomas L. Lady et ux, Lisa M. Lady to Jerry D. Bates et ux, recorded in Volume 358, Page 233 of the Official Public Records of Bosque County and all of that certain 231.95 acres described in a deed from Arne Ditturich to Jerry Don Bates et ux, recorded in Volume 376, Page 361 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the east line of 180 acres, described in a deed to Arthur B. Willmann et ux, Alice Willmann recorded in Volume 179, Page 444 of the Deed Records of Bosque County and in the south line of C.R. 3370 at its end, northwest corner of said 231.95 acres and most northerly northwest corner of this tract;

**THENCE**: N 59 deg 30 min 26 sec E 1008.68 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post;

**THENCE**: N 60 deg 01 min 54 sec E 1390.81 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 2 inch pipe post in the south line of C.R. 3368;

**THENCE**: N 60 deg 01 min 29 sec E 1756.39 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post at a fence angle, for the northeast corner of said 231.95 acres and northeast corner of this tract;

**THENCE**: S 74 deg 31 min 55 sec E 62.06 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE**: S 40 deg 29 min 49 sec E 925.50 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE**: S 24 deg 52 min 54 sec E 68.63 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 22 deg 55 min 53 sec E 864.69 feet along the east line of said 231.95 acres and west line of said county road to a 4 inch pipe post at a fence corner, for the southeast corner of said 231.95 acres and northeast corner of said 45.18 acres;

**THENCE:** S 20 deg 35 min 44 sec E 963.42 feet along the east line of said 45.18 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle in the east line of said 635.38 acres;

**THENCE:** S 20 deg 36 min 00 sec E 962.87 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 21 deg 00 min 39 sec E 1487.40 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 24 deg 52 min 26 sec E 665.23 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 30 deg 27 min 00 sec E 788.79 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post to a 4 inch pipe post at a fence angle;

**THENCE:** S 62 deg 48 min 02 sec E 757.44 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner;

**THENCE:** S 40 deg 31 min 38 sec E 148.83 feet along the east line of said 635.38 acres and west line of said county road to a 4 inch pipe post at a fence corner;

**THENCE:** S 56 deg 03 min 04 sec E 82.28 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 2 inch pipe post;

**THENCE:** S 56 deg 27 min 55 sec E 82.04 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner, for the northeast corner of 211.77 acres surveyed by James T. Conner, R.P.L.S. No. 2139 January 24, 2013 and southeast corner of this tract;

**THENCE:** S 50 deg 41 min 21 sec W 900.17 feet along the north line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for a inside corner of said 211.77 acres and outside corner of this tract;

**THENCE:** N 53 deg 58 min 56 sec W 343.13 feet along the east line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for a outside corner of said 211.77 acres and inside corner of this tract;

**THENCE:** S 33 deg 52 min 14 sec W 164.04 feet along the north line of said 211.77 acres and generally along a fence to a 12 inch elm trunk on the east side of a creek;

**THENCE:** S 44 deg 22 min 02 sec W 216.79 feet, crossing said creek and along the north line of said 211.77 acres to a 8 inch cedar post in the south line of said 635.38 acres and in the north line of said 212.79 acres;

**THENCE:** S 60 deg 27 min 56 sec W 3194.50 feet along the north line of said 212.79 acres, north line of said 211.77 acres, south line of said 635.38 acres and generally along a fence to a 6 inch pipe post at a fence angle in the north line of a tract of land described in a deed to Norma Ficklin Chaney recorded as Instrument Number 2012-00002997 of the Official Public Records of Bosque County;

**THENCE:** S 88 deg 38 min 16 sec W 2376.76 feet generally along a fence to a 4 inch pipe post at a fence corner in the east line of 53.33 acres described in a deed to Neil A. Gates et al, recorded as Instrument Number 2006-00002350 of the Official Public Records of Bosque County, northwest corner of said Chaney tract, southwest corner of said 635.38 acres and southwest corner of this tract;

**THENCE:** N 30 deg 42 min 42 sec W 1679.29 feet along the east line of said 53.33 acres and east line of a 15 acre Tract Three described in a deed to Paul Putman and Michele Sexton recorded as Instrument Number 2013-00000786 of the Official Public Records of Bosque County, generally along a fence and west line of said 635.38 acres to a 1/2 inch iron rod found, for the northeast corner of said 15 acres and southeast corner of a 39.95 acre Tract Two described in same deed to Putman;

**THENCE:** N 30 deg 57 min 01 sec W 1147.53 feet generally along a fence to a 6 inch pipe post at a fence corner in the south line of a tract of land described in a deed to Kenneth Kruse recorded in Volume 567, Page 646 of the Official Public Records of Bosque County, for the northeast corner of said 39.95 acres, northwest corner of said 635.38 acres and most westerly northwest corner of this tract;

**THENCE:** N 45 deg 29 min 34 sec W 2869.92 feet along the south line of said Kruse tract, south line of said Willmann tract, north line of said 635.38 acres and generally along a fence to a 3 inch pipe post at fence corner, for the southeast corner of said Willmann tract, southwest corner of said 231.95 acres and inside corner of this tract;

**THENCE:** N 29 deg 11 min 34 sec W (base bearing per west line 231.95 acres) 2893.03 feet along the east line of said Willmann tract, west line of said 231.95 acres and generally along a fence to the point of beginning.

# **EXHIBIT E**

## RELEASE OF LIS PENDENS

THE STATE OF TEXAS                 §  
COUNTY OF TRAVIS                 §

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On January 13, 2021, J. David Taunton, as attorney for Plaintiff, filed for record a Notice of Lis Pendens under Instrument No. 2021-00132, which instrument is filed of record among the Official Public Records of Bosque County, Texas, evidencing a claim against the property described on **Exhibit A, Exhibit B and Exhibit C** hereto on behalf of Caddoa Creek Ranch, LLC (“**Plaintiff**”) in a suit styled *Caddoa Creek Ranch, LLC v. Karen A. Smith and Stanley W. Wright, in his capacity as foreign receiver*, Case No. 2020CV030014 in the District Court of Bent County, Colorado (the “**Lawsuit**”).

The action involves title to certain real property and improvements thereon (the “**Property**”), described more particularly as follows:

Those certain tracts of land located in Bosque County, Texas, being more particularly described in **Exhibit A, Exhibit B and Exhibit C** attached hereto and incorporated herein by this reference.

All claims in the Lawsuit related to the Property are no longer being asserted. Therefore, in consideration of the recitals and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Caddoa Creek Ranch, LLC RELEASES, SURRENDERS, and DISCHARGES the above described Notice of Lis Pendens.

EXECUTED on this       day of       , 2022.

Caddoa Creek Ranch, LLC,  
a Colorado limited liability company

Gregory S. Milligan, Manager

<sup>1</sup> The Lawsuit was removed to the United States Bankruptcy Court for the District of Colorado, Denver Division, Case No. 21-01155-KHT (the “Colorado Adversary Proceeding”). The Colorado Adversary Proceeding was then transferred to and remains pending in the United States Bankruptcy Court for the Western District of Texas, Waco Division, Case No. 21-06016-rbk.

THE STATE OF TEXAS                   §  
COUNTY OF TRAVIS                   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022, by  
Gregory S. Milligan, as Manager of Caddoa Creek Ranch, LLC.

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NOTARY PUBLIC, STATE OF TEXAS



**EXHIBIT A**

**LEGAL DESCRIPTION**

**TRACT ONE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 146.440 acres lying and situated in the Walter W. Daws Survey A-226 and the Wm. W. Alsberry Survey A-20 in Bosque County, Texas. Said land is all of that certain 146.440 acre Tract One described in a deed from Jean G. Mix, et al, to Willow Creek Group, LLC. recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the west line of 66.88 acres described in a deed to Robert Woodrow Edwards recorded in Volume 520, Page 195 of the Official Public Records of Bosque County, for the most easterly southeast corner of said this tract;

**THENCE:** S 58 deg 50 min 53 sec W 2881.76 feet generally along a fence to a 3/4 inch iron pipe found at a fence corner;

**THENCE:** S 58 deg 41 min 46 sec W 1514.01 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 30 deg 49 min 10 sec E 1351.62 feet generally along a fence to a 3/8 inch iron rod found at a fence corner in the north line of 3.11 acres described in a deed to David Charles Prause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County, for the most southerly southeast corner of this tract;

**THENCE:** S 58 deg 26 min 45 sec W 907.13 feet generally along a fence to a 3/8 inch iron rod found in the east line of C.R. 3545, for the northwest corner of said Prause tract;

**THENCE:** S 58 deg 47 min 20 sec W 11.28 feet to a point in the center of C.R. 3545, for the southeast corner of a 795.560 acre Tract Two described in same deed to Willow Creek and southwest corner of this tract;

**THENCE:** Along the center of said county road along the east line of said 795.560 acres the following bearings and distances to 60-D nails found: N 46 deg 30 min 12 sec W 115.51 feet, N 52 deg 37 min 28 sec W 170.59 feet, N 48 deg 07 min 22 sec W 324.47 feet, N 50 deg 22 min 08 sec W 623.97 feet, N 37 deg 24 min 08 sec W 310.49 feet, N 49 deg 21 min 19 sec W 309.65 feet and N 34 deg 28 min 31 sec W 418.02 feet to a 60-D nail set, for the existing southwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County tract and northwest corner of this tract;

**THENCE:** N 58 deg 50 min 53 sec E at 20.0 feet pass a 1/2 inch iron rod found (capped 5695) on the east line of said county road, in all 5872.40 feet across pasture to a 1/2 inch iron rod found (capped 5695) in the west line of said Edwards tract, for the southeast corner of said Hix tract and northeast corner of this tract;

**THENCE:** S 30 deg 58 min 39 sec E (827.78 feet generally along a fence and west line of said Edwards tract to the point of beginning.

**TRACT TWO:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 795.560 acres lying and situated in the Wm. W. Alsberry Survey A-20, James Skinner Survey A-783, Wm.W. Alsberry Survey A-21, K.D. Turner Survey A-817, John Demoss Survey A-206 and the A. Frazier Survey A-282 in Bosque County, Texas. Said land is all of that certain 795.560 acre Tract Two described in a deed from Jean G. Hix, et al, to Willow Creek, LLC, recorded as Instrument Number 2011-00003397 the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of this tract;

**THENCE:** N 58 deg 41 min 38 sec E 4296.96 feet generally along a fence to a 60-D nail found in a 6 inch wood post on the west side of a creek;

**THENCE:** N 36 deg 20 min 35 sec E 1306.08 feet generally along a fence to a 8 inch pipe post at a fence angle;

**THENCE:** N 71 deg 07 min 02 sec E 92.54 feet generally along a fence to a 8 inch pipe post at a fence corner, for the northeast corner of this tract;

**THENCE:** S 16 deg 38 min 56 sec E 1846.90 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 31 deg 07 min 04 sec E 2199.85 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** N 59 deg 26 min 40 sec E 222.22 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the northwest corner of 150 acres described in a deed to Willow Creek Group, LLC, recorded as Instrument Number 2012-00001665 of the Official Public Records of Bosque County and a outside corner of this tract;

**THENCE:** S 30 deg 33 min 14 sec E 2022.99 feet generally along a fence, to a 1/2 inch iron rod found (capped 5695) at a fence corner in an old fence line, for the southwest corner of said 150 acres and a inside corner of this tract;

**THENCE:** N 59 deg 22 min 29 sec E 1108.47 feet, generally along an old fence, and the extension thereof and south line of said 150 acres to a 60-D nail found in the center of C.R. 3545, for a northwest corner of the remainder of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County and the most easterly northeast corner of this tract;

**THENCE:** Along the center of said county road to 60-D nails found, west line of said Hix tract and west line of a 146.440 acre Tract One described in same deed to Willow Creek: S 28 deg 55 min 18 sec E 204.01 feet, S 36 deg 32 min 40 sec E 455.62 feet, S 34 deg 28 min 31 sec E 523.00 feet, S 49 deg 21 min 19 sec E 309.63 feet, S 37 deg 24 min 00 sec E 310.49 feet, S 50 deg 22 min 08 sec E 623.97 feet, S 48 deg 07 min 22 sec E 324.47 feet, S 52 deg 37 min 26 sec E 170.59 feet, S 46 deg 30 min 12 sec E 115.51 feet to a point, for the southwest corner of said 146.440 acres, said point being S 58 deg 47 min 20 sec W 11.28 feet from a 3/8 inch iron rod found on the east side of said county road being the northwest corner of 3.11 acres described in a deed to David Charles Prause et ux, recorded in Volume 457, Page 692 of the Official Public Records of Bosque County and the southeast corner of this tract;

**THENCE:** S 58 deg 47 min 20 sec W 801.04 feet generally along a fence to a 1/2 inch iron rod found, for the northeast corner of a tract of land described in a deed to Michael Lucas et ux, Alicia Lucas recorded as Instrument No. 2011-00002241 of the Official Public Records of Bosque County;

**THENCE:** S 58 deg 33 min 15 sec W 2411.09 feet generally along a fence and north line of said Lucas tract to a 1/2 inch iron rod set at a fence corner on the west side of Willow Creek, for a inside corner of this tract;

**THENCE:** S 41 deg 45 min 50 sec E 267.42 feet generally along a fence on the west side of Willow Creek to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 22 deg 43 min 55 sec E 60.06 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence intersection, for a outside corner of this tract;

**THENCE:** S 59 deg 58 min 00 sec W 841.82 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence angle;

**THENCE:** S 57 deg 48 min 33 sec W 901.17 feet generally along a fence, and the extension thereof, to a 1/2 inch iron rod found (capped 5695), for the southwest corner of this tract;

**THENCE:** N 30 deg 49 min 09 sec W 4694.37 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 66 deg 33 min 18 sec W 267.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for the southwest corner of this tract;

**THENCE:** N 30 deg 57 min 46 sec W 2948.57 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of this tract;

**THENCE:** S 59 deg 24 min 05 sec W 1900.11 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of this tract;

**THENCE: N 30 deg 27 min 55 sec W 1121.92 feet generally along a fence to the point of beginning.**

**TRACT THREE:**

**FIELD NOTES** for a lot, tract, or parcel of land containing 150.119 acres lying and situated in the Alexander Frazier Survey A-282 and the Walter W. Daws Survey A-226 in Bosque County, Texas. Said land is all of that certain tract described in a deed from Capital Farm Credit, FLCA to Willow Creek Group, LLC. recorded as Instrument Number 2012-00001668 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner in a south line of a 7687.75 acre First Tract described in a deed to Roberta Marchman et al. recorded in Volume 232, Page 744 of the Official Public Records of Bosque County, outside corner of a 795.560 acre Tract Two described in a deed to Willow Creek Group, LLC. recorded as Instrument Number 2011-00003397 of the Official Public Records of Bosque County and northwest corner of this tract;

**THENCE: N 59 deg 26 min 40 sec E 2604.02 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said Marchman tract and most northerly northeast corner of this tract;**

**THENCE: S 31 deg 06 min 45 sec E 1274.72 feet generally along a fence to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of said Marchman tract and a inside corner of this tract;**

**THENCE: N 59 deg 06 min 53 sec E 1677.78 feet generally along a fence and south line of said Marchman tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a outside corner of a Second Tract of Parcel One described in a deed to Walter T. Hix, IV recorded in Volume 408, Page 813 of the Official Public Records of Bosque County, and the most easterly northeast corner of this tract;**

**THENCE: S 30 deg 53 min 07 sec E 752.78 feet generally along a fence to a 1/2 inch iron rod found (capped 5695), for a inside corner of said Hix tract and southeast corner of this tract;**

**THENCE: S 59 deg 22 min 29 sec W 4298.54 feet partially along a fence, north line of said Second Tract to a 1/2 inch iron rod found (capped 5695) at a fence corner, for a inside corner of said 795.560 acres and southwest corner of this tract;**

**THENCE: N 30 deg 33 min 14 sec W 2022.99 feet generally along a fence and a east line of said 795.560 acres to the point of beginning.**

**EXHIBIT B**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 147.214 acres lying and situated in the Walter W. Daws Survey A-226, Wm. W. Alsberry Survey A-20 and A. Frazier Survey A-282 in Bosque County, Texas. Said land is part of that certain Second Tract of Parcel One described in a deed from Jean G. Hix and Heather G. Hix, as Independent Co-Executors for the Estate of Walter T. Hix, IV to Jean G. Hix, Heather G. Hix and Walter G. Hix, V as Co-Trustees for the Walter T. Hix, IV Revocable Trust recorded in Volume 471, Page 835 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod found (capped 5695) at a fence corner in the west line of a tract of land described in a deed to M.S. Dorman, Jr. recorded in Volume 315, Page 930 of the Deed Records of Bosque County, a southeast corner of 7687.75 acre First Tract described in a deed to Roberta Marchman recorded in Volume 232, Page 744 of the Deed Records of Bosque County, for the northeast corner of said Second Tract and northeast corner of this tract;

**THENCE:** S 31 deg 16 min 57 sec E 814.27 feet generally along a fence and east line of said Second Tract to a 3/8 inch iron rod found (capped) at a fence corner, for the existing southwest corner of said Dorman tract and northwest corner of 66.48 acres described in a deed to Robert Woodrow Edwards recorded in Volume 820, Page 195 of the Official Public Records of Bosque County;

**THENCE:** S 30 deg 58 min 39 sec E (base bearing per Edwards deed) 664.59 feet generally along a fence, west line of said Edwards tract and east line of said Second Tract to a 1/2 inch iron rod found (capped 5695), for the northeast corner of a 146.440 acre Tract One described in a deed to Caddoa Creek Ranch, LLC. recorded as Instrument Number 2014-00002412 of the Official Public Records of Bosque County and southeast corner of this tract;

**THENCE:** S 58 deg 50 min 53 sec W across pasture at 5052.40 feet pass a 1/2 inch iron rod found (capped 5695) on the east side of C.R. 3545, in all 5872.40 feet to a 60-D nail found in the center of said county road and in the east line of a 795.560 acre Tract Two described in same deed to Caddoa, for the northwest corner of said 146.440 acres and southwest corner of this tract;

**TRENCHE: N 34 deg 28 min 31 sec W 104.94 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;**

**TRENCHE: N 36 deg 32 min 40 sec W 455.62 feet generally along the center of said county road and east line of said 795.560 acres to a 60-D nail found;**

**TRENCHE: N 28 deg 55 min 18 sec W 204.01 feet generally along the center of said county road to a 60-D nail found in a cattle guard, and in the south line of a 150.119 acre Tract Three described in same deed to Caddoa, and in the north line of said Second Tract, for the most easterly northeast corner of said 795.560 acres and most westerly northwest corner of this tract;**

**TRENCHE: N 59 deg 22 min 29 sec E 3190.07 feet partially along a fence, south line of said 150.119 acres and north line of said Second Tract to a 1/2 inch iron rod found (capped 2498) at a fence corner, for the southeast corner of said 150.119 acres, inside corner of said Second Tract and inside corner of this tract;**

**TRENCHE: N 30 deg 53 min 07 sec W 752.78 feet generally along a fence to a 1/2 inch iron rod found at a fence corner in the south line of said Marchman tract, for the most easterly northeast corner of said 150.119 acres, most northerly northwest corner of said Second Tract and most northerly northwest corner of this tract;**

**TRENCHE: N 58 deg 59 min 33 sec E 2720.10 feet generally along a fence, south line of said Marchman tract and north line of said Second Tract to the point of beginning.**



**EXHIBIT C**

**LEGAL DESCRIPTION**

**FIELD NOTES** for a lot, tract, or parcel of land containing 913.325 acres lying and situated in the Jose Morillo Survey A-549, Henry Nika Survey A-250, L.W. Chase Survey A-1089, B.B.B. & C.R.R. Survey A-931, Wm. Lennox Survey A-479 and M.S. Sprague Survey A-756 in Bosque County, Texas. Said land is a part of that certain 212.79 acre Tract One and part of that certain 635.36 acre Tract Two described in a deed from Sarah Jane Smith Patton to Jerry D. Bates et ux, Rebecca A. Bates recorded in Volume 349, Page 265 of the Official Public Records of Bosque County, all of that certain 65.18 acres described in a deed from Thomas L. Lacy et ux, Lisa M. Lacy to Jerry D. Bates et ux, recorded in Volume 358, Page 233 of the Official Public Records of Bosque County and all of that certain 231.95 acres described in a deed from Arno Ditttrich to Jerry Don Bates et ux, recorded in Volume 376, Page 361 of the Official Public Records of Bosque County, and is more particularly described as follows:

**BEGINNING** at a 3 inch pipe post at a fence corner in the east line of 180 acres, described in a deed to Arthur E. Willmann et ux, Alice Willmann recorded in Volume 179, Page 444 of the Deed Records of Bosque County and in the south line of C.R. 3370 at its end, northwest corner of said 231.95 acres and most northerly northwest corner of this tract;

**THENCE:** N 59 deg 30 min 26 sec E 1008.68 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post;

**THENCE:** N 60 deg 01 min 54 sec E 1390.81 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 2 inch pipe post in the south line of C.R. 3365;

**THENCE:** N 60 deg 01 min 29 sec E 1756.39 feet along the south line of said county road, north line of said 231.95 acres and generally along a fence to a 4 inch pipe post at a fence angle, for the northeast corner of said 231.95 acres and northeast corner of this tract;

**THENCE:** S 74 deg 31 min 55 sec E 62.00 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 40 deg 29 min 49 sec E 925.50 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

**THENCE:** S 24 deg 52 min 54 sec E 68.63 feet along the east line of said 231.95 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 22 deg 55 min 53 sec E 864.69 feet along the east line of said 231.95 acres and west line of said county road to a 4 inch pipe post at a fence corner, for the southeast corner of said 231.95 acres and northeast corner of said 45.18 acres;

THENCE: S 20 deg 35 min 44 sec E 963.42 feet along the east line of said 45.18 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle in the east line of said 635.38 acres;

THENCE: S 20 deg 36 min 00 sec E 902.87 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 21 deg 00 min 39 sec E 1487.40 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 24 deg 52 min 26 sec E 665.23 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence angle;

THENCE: S 30 deg 27 min 00 sec E 788.79 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post to a 4 inch pipe post at a fence angle;

THENCE: S 62 deg 40 min 02 sec E 757.44 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner;

THENCE: S 40 deg 31 min 38 sec E 148.53 feet along the east line of said 635.38 acres and west line of said county road to a 4 inch pipe post at a fence corner;

THENCE: S 56 deg 05 min 04 sec E 82.28 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 2 inch pipe post;

THENCE: S 56 deg 27 min 55 sec E 82.04 feet along the east line of said 635.38 acres, west line of said county road and generally along a fence to a 4 inch pipe post at a fence corner, for the northeast corner of 211.77 acres surveyed by James T. Conner, R.P.L.S. No. 2139 January 24, 2013 and southeast corner of this tract;

THENCE: S 50 deg 41 min 21 sec W 900.17 feet along the north line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for an inside corner of said 211.77 acres and outside corner of this tract;

THENCE: N 53 deg 56 min 56 sec W 343.19 feet along the east line of said 211.77 acres and generally along a fence to a 4 inch pipe post at a fence corner, for an outside corner of said 211.77 acres and inside corner of this tract;

THENCE: S 33 deg 52 min 14 sec W 164.04 feet along the north line of said 211.77 acres and generally along a fence to a 12 inch Elm trunk on the east side of a creek;



**THENCE:** S 44 deg 22 min 02 sec W 216.79 feet, crossing said creek and along the north line of said 211.77 acres to a 8 inch cedar post in the south line of said 635.38 acres and in the north line of said 212.79 acres;

**THENCE:** S 60 deg 27 min 56 sec W 3194.58 feet along the north line of said 212.79 acres, north line of said 211.77 acres, south line of said 635.38 acres and generally along a fence to a 6 inch pipe post at a fence angle in the north line of a tract of land described in a deed to Norma Ficklin Chaney recorded as Instrument Number 2012-00002997 of the Official Public Records of Bosque County;

**THENCE:** S 88 deg 38 min 16 sec W 2376.76 feet generally along a fence to a 4 inch pipe post at a fence corner in the east line of 53.33 acres described in a deed to Neil A. Gates et al, recorded as Instrument Number 2008-00002350 of the Official Public Records of Bosque County, northwest corner of said Chaney tract, southwest corner of said 635.38 acres and southwest corner of this tract;

**THENCE:** N 30 deg 42 min 42 sec W 1679.29 feet along the east line of said 53.33 acres and east line of a 15 acre Tract Three described in a deed to Paul Putman and Michele Sexton recorded as Instrument Number 2013-00000786 of the Official Public Records of Bosque County, generally along a fence and west line of said 635.38 acres to a 1/2 inch iron rod found, for the northeast corner of said 15 acres and southeast corner of a 39.95 acre Tract Two described in same deed to Putman;

**THENCE:** N 20 deg 57 min 01 sec W 1147.58 feet generally along a fence to a 6 inch pipe post at a fence corner in the south line of a tract of land described in a deed to Kenneth Kruse recorded in Volume 567, Page 646 of the Official Public Records of Bosque County, for the northeast corner of said 39.95 acres, northwest corner of said 635.38 acres and most westerly northwest corner of this tract;

**THENCE:** N 45 deg 29 min 34 sec W 2569.92 feet along the south line of said Kruse tract, south line of said Willmann tract, north line of said 635.38 acres and generally along a fence to a 3 inch pipe post at fence corner, for the southeast corner of said Willmann tract, southwest corner of said 231.95 acres and inside corner of this tract;

**THENCE:** N 29 deg 11 min 34 sec W (base bearing per west line 231.95 acres) 2893.03 feet along the east line of said Willmann tract, west line of said 231.95 acres and generally along a fence to the point of beginning.